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ZNR UUUUU ZZH
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FM USEU BRUSSELS
TO RUEHC/SECSTATE WASHDC PRIORITY
RUCPDO/DEPT OF COMMERCE WASHDC
RUEATRS/DEPT OF TREASURY WASHDC
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SUBJECT: THE PLIGHT OF MON810: POLITICS TRUMPS SCIENCE IN THE EU

REF: A) RICHEY-WILLIAMS 2/26 email; B) DIXON_WILLIAMS 2/24 email

¶1. (SBU) SUMMARY: On April 14, the German Ministry of Agriculture announced a ban on the cultivation and sale of Monsanto's GMO corn MON810, the only GMO varietal currently approved for cultivation in the European Union, in Germany. The German action follows the March 22 announcement by Luxembourg's Minister of Health that it, too, would join Austria, France, Greece and Hungary in banning the cultivation of MON810. These latest in a series of setbacks for MON810 suggest a gathering momentum against GMO products in Europe. Discussions with NGOs, EU and member state diplomats, and biotech industry officials suggest the groundswell is rooted in politics, not science, making it all the more difficult for Monsanto to make a reason-based case and making future EU approvals potentially irrelevant as member states seize de facto competence over the issue. END SUMMARY

Background

¶2. (U) German Agriculture and Consumer Science Minister Ilse Aigner announced April 14 that Germany will ban cultivation and sale of genetically modified (GMO) maize, despite European Union rulings that the biotech grain is safe. She said she had come to the conclusion "there is a justifiable reason to believe that genetically modified maize of the type MON 810 presents a danger to the environment," but did not elaborate. Aigner stressed the decision was based on scientific, and not political, factors, and added it was an individual case and "not a fundamental decision against GMO crops." Aigner's announcement came just ahead of spring planting in Germany, where farmers planted over 3200 hectares of GMO maize in 2008.

¶3. (SBU) The European Commission promptly announced it would examine the ban, but given increasing momentum against Commission proposals to lift similar bans in France, Austria, Greece, and Hungary by member states, and with June European Parliamentary elections fast approaching, it is unlikely to take up the ban before summer. In addition, the German and Luxembourg decisions come on the heels of a delay by the European Food Safety Agency (EFSA) in ruling on the renewal of the authorization for cultivation of MON810 in the European Union, originally expected to come out of the March 12 EFSA plenary.

¶4. (SBU) The genetically modified corn MON 810 (trade name YieldGard) was developed by the Monsanto Corporation to be resistant to attack by the European corn borer, a major insect pest of maize in agriculture. The EU approved the cultivation of MON810 in Europe in 1998, the only GM crop so approved in Europe. (Note: MON810 is available in a number of countries, such as Argentina, Brazil, Canada, Japan, and the U.S. for cultivation. End Note) But, despite the approval, Austria banned Mon810 in 1999, and in 2005, Hungary followed suit. Other member states, such as France, Poland, Greece, and Romania have invoked the "safeguard clause" which provides that,

if a Member State has justifiable reasons to consider that a GMO which has received consent for placing on the market, constitutes a risk to human health or the environment, it may provisionally restrict or prohibit the use and/or sale of that GMO on its territory. The Commission challenges these member state bans in a variety of fora such as standing committees and in Environment and Agriculture Councils in which member state reps vote on whether to support the Commission challenges or maintain the various bans.

COMMISSION PROPOSALS TO END THE BANS

15. (SBU) The Commission proposed to end the bans and submitted its proposals to the Standing Committee, which met February 16 to consider the French and Greek bans on MON810, and to the Environment Council, which met March 2 to discuss the Hungarian ban on MON810. In addition, the Standing Committee met February 25 to deliberate on the authorization of two other GMO products, Bt11 and Herculex. Following these crucial votes was the EFSA plenary March 12 at which the reauthorization of MON810 was expected to be discussed.

16. (SBU) Ahead of this stream of decisions, Monsanto rep Conrad van Kameke met with USEU Agriculture, Econ, and USTR officers to lay out Monsanto's perceptions of possible outcomes and the company's views of member states' positions on GMOs. He shared with USEU a graph depicting expected member states' positions on GMOs. According to the chart, the UK, Sweden, and Finland represented solid pro-GMO votes, with the Netherlands, Lithuania, Slovakia, Estonia, and Romania likely to be closer to the pro camp. On the other side were Greece, Hungary, Austria, Luxembourg, France, Cyprus, Poland, Portugal, Ireland, Slovenia, Latvia, and Malta. This left Italy, Germany, Spain, the Czech Republic, Belgium, Bulgaria, and Denmark

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as all-important swing countries in the weighted vote, with each member allotted votes based on population. When no qualified majority for or against a Commission proposal is reached, the proposal is referred to the Council of Ministers for a vote.

17. (SBU) Van Kameke predicted no qualified majority would be reached in the standing committee votes in February, but expected qualified majority against the Commission proposal in the March 2 Environment Council meeting, which would leave the bans in place. Van Kameke said he thought it was "bad strategy" on the part of the Commission to push to overturn the bans ahead of the EFSA meetings and said it could make things worse.

BIPOLARITY

18. (SBU) On February 12, based on information obtained from a leaked document, and ahead of the Standing Committee's February 16 vote, French daily Le Figaro reported the French food safety agency AFSSA (Agence Francaise de Securite Sanitaire des Aliments) did not see any health risks with MON810. Sensing the leak was meant to compromise France ahead of the meeting, GoF Environment Minister Jean-Francois Borloo immediately retorted that the ban was not imposed due to any threat on human or animal health, but because the maize could create wider environmental problems, such as contamination of other crops.

19. (SBU) The Standing Committee on Food Chain and Animal Health met February 16 to vote on the Commission's proposal to force France and Greece to lift the bans on MON810. Nine countries (the UK, Sweden, Finland, Romania, Slovakia, the Netherlands, Portugal, Spain, and Estonia) supported the Commission, while 16 opposed (Slovenia, Belgium, Ireland, Greece, France, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Austria, and Poland) or abstained (Bulgaria, Denmark, Italy, Czech Republic, Germany, Malta). With no qualified majority either way, the bans remain, and the Commission will refer the bans to the Agriculture Council meeting May 25.

COMMISSION SUPPORT DROPS . . .

110. (SBU) At the February 25 meeting of the Regulatory Committee, no

qualified majority was reached for or against Commission proposals to approve two additional GMO maize varieties for cultivation-Bt11 from Syngenta and Herculex from Pioneer. Only six members supported the Commission (UK, Spain, Estonia, Romania, Finland, and Sweden), while 12 opposed (Denmark, Slovenia, Ireland, Greece, France, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Austria, and Poland) and Belgium, Bulgaria, Italy, the Czech Republic, Slovakia, Portugal, and the Netherlands abstained. Germany and Malta were not present.

¶11. (SBU) Embassy Berlin AgOff reported that for the February votes, the German interagency was not able to reach a whole of government position, with the Agriculture and Environment ministries against the EC position and Research and Health ministries supporting; unable to vote and unwilling to abstain, the German rep left the room. (REF A) (Note: Procedurally, the German and Maltese votes count as abstentions. End note.) Embassy Prague reported that, under an agreement with the Green Party, the Czech government would not tell other countries what to do in regard to cultivation in return for an agreement by the Environment ministry, run by the Greens, to not limit the Czech cultivation of GM corn, an arrangement the pro-biotech Ag Ministry tried to fight. For the February 25 vote, the Ag Ministry lost; hence the government's abstention. (REF B)

. . . AND DROPS

¶12. (SBU) On March 2, the Environment Council voted against the Commission proposals to lift the Austrian and Hungarian safeguards on MON810 by a comfortable qualified majority. Only Estonia, Finland, the Netherlands, the UK, and Sweden supported the Commission. In its report to the Commission, the Council justified its decision principally on the grounds that MON810 had not yet had its authorization renewed and reiterated member states' rights to restrict the use and/or sale of a GMO if the member state is not satisfied the GMO will have no effect on human health or the environment.

¶13. (SBU) Finally, at its March 11-12 plenary, EFSA deferred a decision on the MON810 renewal and requested "additional information" from Monsanto "in order to complete the evaluation". EFSA working groups are currently reviewing an updated dossier submitted by Monsanto, but have not set a new date for the decision.

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COMMENT

¶14. (SBU) With Agriculture Council votes in May on Commission proposals to lift the French and Greek bans on MON810, the anti-GMO bloc can count on at least six solid members, led by France and Germany, to oppose the Commission. As the June European Parliamentary elections draw near, and with this Commission's mandate ready to expire this fall, it is difficult to see a way forward for MON810 in the near future. It will be imperative, therefore, to find new and more creative ways to work with a new Parliament and a new Commission to encourage fact-based policy making and to gain not only a renewal of the MON810 authorization and a lifting of member state bans, but approval of additional products in the GMO pipeline. More important will be direct engagement with member states in order to forestall additional bans, to encourage national trials and cultivation, and to work with farmers, consumers, and NGOs to portray and demonstrate the economic, development, and nutritional benefits of GMO products lest the clock, and progress achieved, on GMO be rolled back.

MURRAY